

PROSKAUER ROSE LLP  
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*Attorneys for Defendants* The United States Chess Federation,  
 Joel Channing, William Goichberg, Bill Hall, Randall Hough,  
 Randy Bauer and Jim Berry

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK**

<hr/>		X
SAM SLOAN,		:
	Plaintiff,	:
		: Civil Action No. 07-CV-8537 (DC)
		:
vs.		:
		:
HOAINHAN "PAUL" TRUONG, ZSUZSANNA		: <b>AFFIDAVIT OF JEREMY M.</b>
"SUSAN" POLGAR, JOEL CHANNING,		: <b><u>BROWN, ESQ. IN SUPPORT OF</u></b>
WILLIAM GOICHBERG, THE UNITED STATES		: <b><u>DEFENDANTS' BILL OF COSTS</u></b>
CHESS FEDERATION, BILL HALL, HERBERT		:
RODNEY VAUGHN, GREGORY ALEXANDER,		:
FRANK NIRO, GRANT PERKS, WILLIAM		: Document Filed Electronically
BROCK, RANDALL HOUGH, RANDY BAUER,		:
JIM BERRY, TEXAS TECH UNIVERSITY and		:
UNITED STATES OF AMERICA		:
	Defendants.	:
		:
<hr/>		X

JEREMY M. BROWN, being duly sworn, deposes and states:

1. I am senior counsel with the law firm of Proskauer rose LLP, attorneys for defendants The United States Chess Federation, Joel Channing, William Goichberg, Bill Hall, Randall Hough, Randy Bauer, Paul and Jim Berry (hereinafter "Defendants"), in this action and,

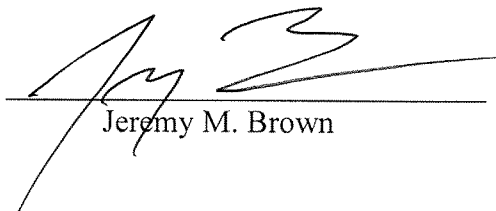
as such, have personal knowledge of the facts set forth herein. I submit this Affidavit in support of Defendants' Bill of Costs.

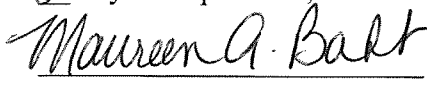
2. Attached hereto as Exhibit A is a true and correct copy of a check made payable to "Orange County Clerk" in the amount of \$5.00 and a certified copy of a deed. The \$5.00 was paid by Defendants to obtain a certified copy of a deed which confirmed the residence of defendant William Goichberg and was attached as Exhibit A to the Goichberg Affidavit filed in support of Defendants' Motion to Dismiss. In accordance with Local Civil Rule 54.1(c)(5), the exhibit was not available and the copy of the certified deed was used or received in evidence.

3. Attached hereto as Exhibit B is a true and correct copy of the Judgment granting Defendants' motion to dismiss the complaint with prejudice and with costs, filed by the Clerk of the Court on August 29, 2008.

4. The costs claimed by Defendants in their Bill of Costs are: (a) allowable by law under Local Civil Rule 54.1(c)(5); (b) correctly stated as evidenced by the copies of the check and Judgment attached hereto as Exhibits A and B; and (c) actually and necessarily incurred in the above-captioned case.

I declare under penalty of perjury that the foregoing is true and correct.

  
Jeremy M. Brown

Sworn to before me this  
5<sup>th</sup> day of September, 2008.  
  
Maureen A. Babb  
Notary Public

MAUREEN A. BABB  
A Notary Public of New Jersey  
I.D. NO. 2088380  
My Commission Expires May 3, 2009



PROSKAUER ROSE LLP  
ATTORNEY BUSINESS ACCOUNT  
A NEW YORK LIMITED LIABILITY PARTNERSHIP  
ONE NEWARK CTR.  
NEWARK, NJ 07102-5211

7540

DATE 2/6/08

55-33/212 NJ  
88864

PAY  
TO THE  
ORDER OF

ORANGE COUNTY CLERK

\$ 5.00

five and 00/100

DOLLARS

Bank of America

ACH/R/T 021200339

FOR

74697-001

*Wanda H. Ellet*

⑈007540⑈ ⑆021200339⑆ 004154016289⑈

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

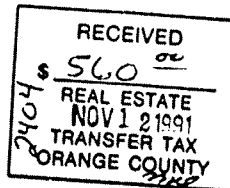
ANTHONY NUNZIATO

TO  
WILLIAM GOICHBERG*Horizon Abstract Corp.*  
740-0-5715SECTION 3 BLOCK 1 LOT 9RECORD AND RETURN TO:  
(Name and Address)DAVID B GILBERT ESO  
453 ROUTE 211 EAST  
MIDDLETOWN NY 10940ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

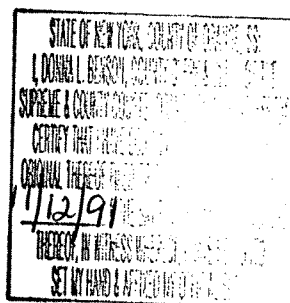
DO NOT WRITE BELOW THIS LINE

CONTROL NO. 60737 DATE 11/6/91 AFFIDAVIT FILED 19INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐  
BG20 Blooming Grove ☒ SERIAL NO.                       
CH22 Chester ☐ Mortgage Amount \$                      CHECK ☒ CASH ☐ CHARGE ☐  
CO24 Cornwall ☐ Exempt Yes ☐ No ☐  
CR26 Crawford ☐ 3-6 Cooking Units Yes ☐ No ☐  
DP28 Deepark ☐ Received Tax on above Mortgage  
GO30 Goshen ☐ Basic \$                       
GR32 Greenville ☐ MTA \$                       
HA34 Hamptonburgh ☐ Spec. Add. \$                       
HI36 Highlands ☐ TOTAL \$                       
MK38 Minisink ☐ MORTGAGE TAX \$                       
ME40 Monroe ☐ TRANSFER TAX \$ 560.00  
MY42 Montgomery ☐ ED. FUND \$ 5.00  
MH44 Mount Hope ☐ RECORD. FEE \$ 17.00  
NT46 Newburgh (T) ☐ REPORT FORMS \$ 30.00  
NW48 New Windsor ☐ CERT. COPIES \$                       
TU50 Tuxedo ☐  
WL52 Wallkill ☐  
WK54 Warwick ☐  
WA56 Wawayanda ☐  
WO58 Woodbury ☐  
MN09 Middletown ☐  
NC11 Newburgh ☐  
PJ13 Port Jervis ☐  
9999 Hold ☐MARION S. MURPHY  
Orange County Clerkby:                     

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on NOV 12 1991  
at 2:50 O'Clock PM  
in Liber/Film 3519 Deeds  
at page 315 and examined.*Marion S. Murphy*  
County Clerk

LIBER 3519 PAGE 315

COUNTY OF  
ORANGE, NEW YORKDana L. Benson  
COUNTY CLERK & CLERK OF  
THE SUPREME & COUNTY COURTSDATED 2/7/08

ORG 11/12/91 02:50:01 48194 47.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 60737 560.00 \*  
\*\*\*\*\* SERIAL NUMBER: 002404 \*\*\*\*\*

Form 807 10/27/84 — Bargain and Sale Deed with Covenant against Grantor's Act — Ind. or Corp.  
 CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 6th day of November, nineteen hundred and ninety one  
 BETWEEN ANTHONY NUNZIATO, residing at 86 Harbor Circle, Freehold,  
 New Jersey 07728

party of the first part, and

WILLIAM GOICHBERG, residing at 450 Prospect Avenue, Mount  
 Vernon, NY 10553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

\*\*\*TEN\*\*\*

dollars,

lawful money of the United States, and other good and valuable consideration paid  
 by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or suc-  
 cessors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying  
 and being in the Town of Blooming Grove, Salisbury Mills, Orange County,  
 New York, bounded and described as follows:

BEGINNING at a stake in the center of a stone wall on line of lands  
 now or formerly Oscar M. Bates, and in the northerly right of way line  
 of State Highway Route 45 (now designated as Route 94) and point  
 being 13.20 feet distant southwesterly from a nail and cap in a 30"  
 hickory tree and runs thence (1) South 88 degrees 57' East along  
 said right of way line 67.54 feet to a stake; thence (2) South  
 74 degrees 09' East still along said right of way line 176.00 feet  
 to the center of 1 24" wild cherry tree on line of lands now or  
 formerly of Helene Tylor, said point being 1.20 feet distant  
 measured southeasterly from a concret right of way marker; thence  
 (3) North 9 degrees 50' East along the line of a wire fence on  
 line of said Helene Tylor 190.80 feet to a stake; said stake  
 being 3.17 feet distant measured southeasterly from a nail and cap  
 in a 40" wild cherry tree; thence (4) North 73 degrees 35' West  
 along a wire fence still on line of Tylor 230.50 feet to a stake  
 in the center of a stone wall on line of lands of said Oscar M.  
 Bates said point being 4.95 feet distant measured northeasterly  
 from a nail and cap in a 10" elm tree; thence (5) South 13  
 degrees 20' West along a stone wall on line of lands of Bates 209.50  
 feet to the point of BEGINNING.

Said lands further described in a survey by Daniel J. O'Brien,  
 dated 10/23/91, in Schedule A attached hereto,

BEING and intending to be the same premises conveyed by deed  
 from Teresa Nue to Anthony Nunziato dated 8/28/85 and recorded in  
 the Orange County Clerk's Office on 2/3/88 in Liber 2882 page  
 134.

DIST:  
 SECTION:  
 BLOCK:  
 LOT:



SCHEDULE A

All that certain lot, piece, or parcel of land situate, lying and being in the Town of Blooming Grove, County of Orange, State of New York and being more accurately bounded and described as follows:

Beginning at a point in a stonewall in the northerly line of New York State Route # 94, said point being 3.00 feet from an iron pipe found on line; thence from the said point or place of beginning and following along the northerly line of said route # 94, South 88 degrees 57 minutes 67.54 feet to a point; thence along the same, South 74 degrees 09 minutes 00 seconds East a distance of 176.00 feet to a point, said point being South 74-09-00 East 4.7 feet from a concrete highway monument found; thence along the lands of Normana, North 09 degrees 50 minutes 00 seconds East a distance of 190.80 feet to a point near a 44 inch wild cherry tree; thence along the same and passing thru old fence post found on line, North 73 degrees 35 minutes 00 seconds West a distance of 230.50 feet to a point in the center of a stonewall; thence along the stonewall and the line of lands of Schrader, South 13 degrees 20 minutes 00 seconds West a distance of 209.50 feet to the point or place of beginning and containing 1.04 acres of land, more or less as surveyed by Daniel J. O'Brien, P.L.S. in October 1991.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

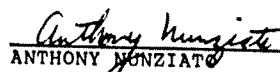
**TO HAVE AND TO HOLD** the premise herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
ANTHONY MONZIATE



## STATE OF NEW YORK, COUNTY OF ORANGE ss.1

On the 6th day of November 1991, before me personally came

Anthony Nunziato

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*David J. Gilbert*  
Notary public

DAVID J. GILBERT  
Notary Public, State of New York  
No. 4147129  
Qualified in Orange County  
Term Expires Feb 13, 1993

## STATE OF NEW YORK, COUNTY OF ss.1

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

## STATE OF NEW YORK, COUNTY OF ss.1

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

## STATE OF NEW YORK, COUNTY OF ss.1

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

say that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

## Bargain and Sale Deed

With COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

ANTHONY NUNZIATO

TO

WILLIAM GOTCHBERG

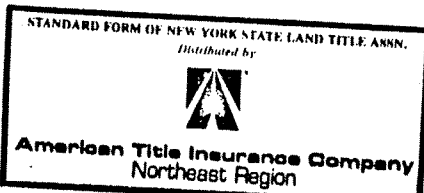
SECTION 3  
BLOCK 1  
LOT 9

~~XXMXX~~ TOWN of Blooming Grove

Recorded At Request of American Title Insurance Company  
RETURN BY MAIL TO:

DAVID B GILBERT ESQ  
453 ROUTE 211 E  
MIDDLETOWN NY 10940

Zip No.



LIBER 3519 PAGE 319

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Exhibit B

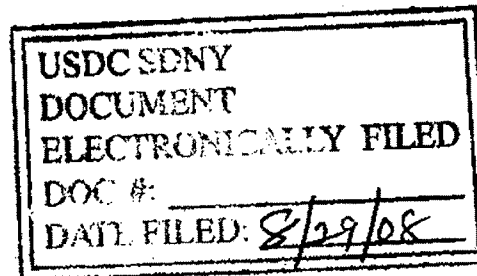
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
SAM SLOAN,

Plaintiff,

-against-

HOAINHAN "PAUL" TRUONG, et.al,  
Defendants.  
-----X



07 CIVIL 8537 (DC)

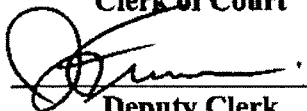
**JUDGMENT**

Defendants having moved for a dismissal of the complaint pursuant to F. R. Civ. P. 12(b)(1) (2) & (6), and the matter having come before the Honorable Denny Chin, United States District Judge, and the Court, on August 28, 2008, having rendered its Memorandum Decision granting defendant's motion for dismissal of the complaint with prejudice and with costs, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Decision, dated August 28, 2008, defendant's motion for dismissal of the complaint is granted with prejudice and costs, and the case is closed.

**Dated:** New York, New York  
August 29, 2008

**J. MICHAEL McMAHON**

BY:   
Clerk of Court  
Deputy Clerk

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_